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September 12, 1994

Mr. William F. Caton  
Secretary, Federal Communications Commission  
1919 M Street Northwest  
Washington, D.C. 20554

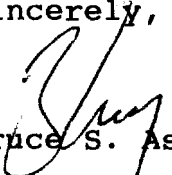
RE: Notice of Proposed Rule-making  
CC Docket No. 94-54

Dear Mr. Caton:

Please find enclosed with this cover an original and five (5) copies of the comments of Union Telephone Company, a Wyoming corporation, of Mountain View, Wyoming concerning the proposed rule-making as contained in Docket No. 94-54. This document was faxed to your office earlier today for filing. Please file this document in your file and contact this office if you have any concerns or questions concerning this filing.

Thank you for your attention in this matter.

Sincerely,

  
Bruce S. Asay

BSA:dka/unionfcc.ltr

cc: Mr. Jim Woody

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

EQUAL ACCESS AND INTERCONNECTION )  
OBLIGATION PERTAINING TO COMMERCIAL )  
MOBILE RADIO SERVICES. )

CC DOCKET NO. 94-54

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COMMENT ON PROPOSED RULE-MAKING

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Union Telephone Company, Inc., ("Union Cellular") by and through its undersigned counsel, hereby comments on the Notice of Proposed Rule-making and Notice of Inquiry as released by the Federal Communications Commission ("FCC") on July 1, 1994 addressing the issue of equal access interconnection by all commercial mobile radio service ("CMRS") providers.

Introduction.

Union Telephone Company, Inc. of Mountain View, Wyoming has been authorized by the FCC to provide cellular services in Wyoming RSA-3 which includes areas of southwest Wyoming.

The FCC on July 1, 1994 issued a Notice of Proposed Rule-making and Notice of Inquiry wherein it solicited comments on the issue of whether equal access obligations, currently imposed only on cellular affiliates of the Regional Bell Operating Companies ("RBOC"), should be maintained and/or extended to all other CMRS providers. As Union Cellular believes that the extension of equal access obligations to non-RBOC cellular providers would be inappropriate for the cellular industry in general and particularly disastrous for small and medium sized cellular providers in particular, Union is filing these comments in opposition to such a proposed extension.

### No Public Policy Justification.

Equal access or the requirement to provide access of a type and quality provided to the Bell Operating Company was initially imposed by the Modified Final Judgment as a result of anti-trust litigation. Unfortunately, the justification that precipitated the imposition of equal access on RBOC's and later by the FCC to other large companies is not present to justify an extension of equal access requirement to small and medium cellular companies. Although the Bell Operating Companies as well as other large local exchange carriers may have directly or indirectly controlled significant portions of access to interexchange carriers, small and medium cellular carriers do not possess such market power. Indeed, the present competitive marketplace for cellular providers is directly contrary to the controlled market which precipitated initial anti-trust action against the Bell System.

As there are a number of cellular carriers in a particular region providing service over extended areas, there is little reason to impose equal access on cellular carriers. Although the Justice Department and the FCC have been vigilant in ensuring that the benefits of competition are provided to consumers, given the competition which exists in the cellular market, the imposition of equal access on cellular carriers other than those affiliated with RBOC's is not warranted.

It should also be noted that as the FCC opens the market to other wireless carriers there will be even more competition than the present and less justification of the action.

### Implementation Costs.

In the cellular industry as a whole, there are many small and medium sized cellular providers who would have a difficult time in implementing an equal access obligation in its system. Although large companies may have the personnel and resources available to immediately implement any requirements such as equal access provisioning, small and medium customers may not have the financial resources or the system capability to immediately implement such a request. As the costs of implementation would be significant with little benefit, an equal access requirement should not be imposed.

In the case of Union Cellular, the company has constructed a significant plant in its service area in southwestern Wyoming based on an existing regulatory scheme and has yet to complete its facilities construction. Any rule-making by the Commission which discourages Union Cellular from the continued construction of its cellular plant, would be to the disadvantage of cellular customers in Union Cellular's service area.

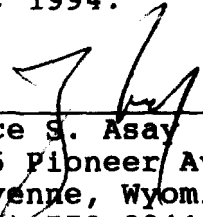
In addition, as Union Cellular has constructed its plant and contacted potential customers within its cellular area, there has not been requests from customers for the provisioning of equal access for cellular customers. As there is little if any demand for the provisioning of equal access by cellular companies and particularly Union Cellular, there is no public benefit would result to customers by the imposition of such a service.

### Conclusion.

In sum, as there is little if any public demand for the

provisioning of equal access by cellular carriers and given the costs of implementation in light of the damage to the cellular industry, there is no justification for the extension of equal access to the cellular industry other than what has been accomplished to this date.

DATED this 12<sup>th</sup> day of September, 1994.



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unionfcc.crm